MEW-YORK DAILY TRIBUEE, THURSDAY, REPTEMBELL IO

LAW INTELLIGENCE. THE LOWBER JUDGMENT.

EX-JUDGE WHITING ON MUNICIPAL MORALS.

INSSECTION OF THE MAYOR, COMMON COUNCIL AND CORPORATION COUNSEL. The case of Robert W. Lowber agt, the Mayor

Alderman and Commonalty of the City of New York, as an order to show cause why the judgment readered by the Court based on the report of the referee should set be opened, was set down for a hearing at 11 clock yesterday before Judge Peabody.

Ex-Judge Whiting and Mr Clark appeared in be-

aif of the Controller and the tax payers. Mesers. Lavid Dudley Field and Wm. Curtis Noyes repreated Mr. Lowber, and Mr. Busteed, Counsel to the corporation, was present professing to represent the

streams of the city.

At 121 o'clock, there being a large amount of busi e before Judge Peabody in Special Term, Mr. Whiing suggested that the hearing be transferred before Judge Rooseveit, who was sitting in the Special Term nom, with but little business before him. To this proposition Judge Peabody assented, and the counsel proposition Judge recommended, and the counsel minediately proceeded before Judge Roosevelt.

Here Mr. Noyes interposed an objection to the pro-

dings going on before Judge Roosevelt, on the would that it would be a change of the forum. Mr. Whiting denied that it would be a change

crum, and held that it was merely transferring the ame Court, for concurrence sake.

Jades Roosevelt asked why it would not be better

ing has commenced in fraud, was carried on in fraud; that the judgment was obtained by a collusion of the Corporation Counsel with one of the parties; that there

was no title to two-thirds of this property; that upon the face of the judgment it ought to be set aside; that there is evidence of the most flagrant violation of integrity in a profession which, until now, has main-

integrity in a profession which, until now, has main-tained its integrity to its client, whatever other of-fences it may be guilty of. But this is not all. After this order is made out, and these facts are brought before the attention of the Corporation Counsel, we have him running into the Board of Aldermen, and preparing a resolution requiring him to make a bar-gain to sell the real estate of the city, and not its per-

sonal property. He followed this up until he got a majority to pass this resolution to rob their constitu-ents, and put their unboly hands into the treasury. Again, he follows it up in the chamber of the Board

Agair, he follows it up in the chamber of the Board of Councilmen, and got them to concur in a resolution which would diagrace any age, any day, and any generation. Yes, Sir, these two, bodies, with the facts of this fraud brought to their knowledge, that the title to the property was, to say the least, doubtful, in violation of their duty, in a conspiracy with the Corporation Counsel, determined to perfect this fraud by the payment of this assumed debt. And now, let me ask who is the Corporation Counsel elected by the people? "Vox Populi—vox Der. He is the first whom God ever made and granted a license to, who ever stood in a Court of Justice and refused to admit the Court to learn the history of transactions connected with a case like this. I say, Sir, that I have a right to appear in behalf of the Controller of this City—the chief financial officer, who is bound by his oath of office as well as by his duty, to interfere and protect the Treasury box, as well against conspirators as against thieves. I

has by his duty, to interest and project in the research bex, as well against conspirators as against thieves. I can refer my friends on the other side (Mesers. Field and Noyes) to a little earlier authority than Rose, for there was one—an equally good authority, and an equally good judge of human nature—who, when he

found such characters in the temple disgracing it, courged them from it; and when we find them in a Court of Justice, it becomes the duty of the Court, by

scourged them from it; and when we mad them in a Court of Justice, it becomes the duty of the Court, by the authority inherent on it, to purge its records from the history of a transaction based, as it has been, upon fraud and corruption. But the counsel who addresses you also appears in another character—as a tax-payer. So far as regards the property of the City of New-York, the Common Council have no more authority than an ordinary trustee of an ordinary private corporation has; and if the attorney of a private corporation goes with conspirators and enters into a conspiracy to defraud a corporation, any one of the etockholders has a right to come into a Court of Justice and spread his case out before it and ask its intervention. I or any man would have a right here to make application as tax-payers, because we are cestique trusts. This corporation are their trustee, and they are bound to perform their duties honestly, and whenever they are charged in a Court of Justice with attempting to defraud them, any man who has an interest in the corporation has a right to ask that the facts be spread before the Court that its judgment may be had upon it. If we fail in the motion, this officer is responsible for the costs, whoever may move it. But, again, the Court may be advised by any friend of a fraid attempted to be perpetrated areas the Court and one of our positions will be that.

down to the present period. Nay, more: after the judgment was obtained, the Counsel to the Corporation concealed the fact from the Controller until after thirty days had passed—too late for the Controller.

what says the Counsel to the Corporation Why," said he, "the suit went on and judgment

"Why," said he, "the suit went on and judgment "was obtained under the forms of a trial." We do not deny it. It was nothing but form—there was no substance in it. And this extraordieary fact stands out. Upon the face of the record, it appears that on the 12th day of June, the very day the Corporation Counsel adjusted the costs, allowing the referee \$500 tor a single day's work, and consenting to accept \$60 himself by way of coursel fees (and while the Clerk of the Course allowing the \$500 himself by way of coursel fees (and while the Clerk of the Course allowed the \$500 himself by the Course of the \$500 himself by the Course of the \$500 himself by \$500 he struck off the \$500 himself by \$500 himsel

Court allowed the \$500, he struck off the \$60), judgment was entered up, and from that day until

the judgment was entered up, and from that day until the issue of the execution against the property of the city, the Controller knew nothing about it. But, says the gentleman (Mr. Busterd), "I deny that I refused to interfere." Is he not interfering now! Does he not object to anybody showing these facts to the world? "But," he says, "I am commanded by the "Common Council to interfere, and to carry out the "contract with Mr. Lowber." Wed, Sir, it has been recoved to this counsel to have the hardihood to

contract will all lower.

served to this counsel to have the hardihood to
ome into Court and say that. Neither of his assocites have said so, and I doubt whether they will say

t. One of my friends (Mr. Noyes) says tan is a bad precedent to allow counsel of the Attorney of Record, without authority of the

party in litigation, to appear in a case, and that bad precedents make bad laws. He has looked for prece-dents for a case like this, and he introduces two cases, neither of which touch this case, for this reason: I admit that during the progress of a case the attor-ney cannot be changed except by order of the Court,

ney cannot be changed except by order of the Court, or at the instance of the party who employs the attor-ney. The right of an attorney to appear is purely a

or at the instance of the party who employs the atterrey. The right of an atterney to appear is purely a
statutory right. The statute makes a provision that
atterneys appearing before a Court are officers of the
Court, and they are bound to be faithful to their
client; and when they are found attempting frauds,
they are summarily dealt with. As a general rule,
the authority fof an atterney ceases with the judgment; but it is made to continue for a year under the
statute for purposes of issuing execution. The general rule is, that the duty of the Attorney of Record
ends with the entering of the judgment, ias authority
in this point, Mr. Wheeling cited 8 Johnson,
361, 3d Barber, 581; and 1 Hill, 656. It is an
every-day practice for a different autoriey to
issue execution in a judgment [5 Cowaa 446.]
This being the general rule of law, is there any reason
for a distinction that, inasmuch as the Corporation
Connsel is elected by the people, he has any greater
rights than an ordinary attorney? If so, it must arise
out of the fact that he is made one of the chief officers
of that body—because he is the head of the Law Department. But, being the head of the Law Department, and being the legal representative of this body.

of that body—because he is the head of the Law Department. But, being the head of the Law Department, and being the legal representative of this body, if he fails to do his duty, cannot the Corporation, if it thinks proper, come into Court and ask relief! If so, upon what principle could they come in? If they are trustees, and are acting for somebody else, cannot the costant que trusts come in on the same principle and ask relief from the judgment? Now, if the judgment is entered when the discovery of the frand is made—a fraud perpetrated by the head of the Law Department—are we to be subject to his action for relief, because he is elected by the people? Or cannot the cestui que trusts—the men who have to pay a part of this money—whose pockets are to be robbed—cannot they, as well as a trustee by his representative, come into Court and ask the Court to look and say whether this thing is fraudulent or not? I admit that bad precedents have made bad laws, and bad precedents have made bad laws, and bad precedents have been established by bad Judges not performing their daty. But I understand that principles have made procedents, and when the fact that officer fail to perform their duties is known, then these principles are to be applied in the establishment of precedents, and the prededents are to be followed. An English Judge asid he gloried in the establishment of precedents in father-rance of justice. These gentlemes think we must

Another fraud perpetrated. Counsel to the Corporation

s had appeal.

et the matter go before a General Term at once. Judge Whiting said he had no objection to this. if. Field objected to such a course. The prelimi-q question which had arisen was the legality of concurrent Courts being held at the same time in concurrent Courts being held at the same time in same county. In other words, when there was Special Term of the Supreme Court sitting denied that a second Special Term of the same

just could sit in the same county.

Judge Roosevelt stated that he had held a Special em in his own house, and if he were not much misyes, Mr. Field had argued cases before him there. Yr. Field said that a case might be argued anygre, bu; an order to be valid must be entered in on Court, with the Clerk, Sheriff and Crier, or their

Judge Roosevelt stated that in the Brick Church ner, Mr. O'Conor and Mr. Field had argured the see before him in his own house, and his recollection rss, that he then entered the order in the case as at Special Term, and that, too, was when another Judge of the Court was holding a Special Term. If the poities of Mr. Field was well-founded, there were andreds of entries made in this Court, involving large

presiments, which would be void. Mr. Field said that there was a case in 23 Barbour, sterin this point was decided against the position as-amed by Judge Roosevek. Judge Roosevelt stated that he was familiar with

case. The Judge who made the decision resided the western part of the State, and could not be exted to be familiar with the necessities of the city. sted to be familiar with the become he could admit me, as to sustain it would upset the practice of the just as long as he had been on the bench. He had en applied to in many places under pressing circumces to sign orders, which he had done. He recolsted of one instance where he had signed an order in omaibus, which he had done as at General Term. again suggested the propriety of reading the whole atter to General Term at once.

Hr. Noyes said that whatever might be the legality

legal proceedings at Judge Roosevelt's house, their ation was always pleasantly suggestive. But would now interpose another objection to the case ceeding. The defendant (the Corporation) had a plar attorney to the record, not only appointed by defendant, but elected by the people. He (Mr. steed) bad conducted the case and had cunducted insuccessfully. Now it appeared that the bar at the was seeking to intervene, by one of its most restable members, to defend the writover again. To this objected. Until the attorney on the record wasaged, he contended that no third party had a tip intervene. This was decided as long ago as he reports. He cited in support of this view has reports, 65, and Merrifield on the law of attorney 56. The question involved the regular course and they are the conducting cases. The Corporation, he contended, that responsible for the conduct of a case by a threy had not rebutted, and their client (Mr. capar) was not bound to litigate with a party who the contended with a party who the court in the Court to direct an examination to be made, and they will hear any party who comes into court and says that their records are tainted with a fraudulent transaction; and if such a state of facts appear, it will be the duty of the Court in such cases to interfere. Now, I say that the indegment stands upon the records of this Court tinited with fraud from the beginning of this Court trained with fraud from the beginning of this Court trained with fraud from the beginning of the court is all one of our positions will be that, when the facts are made known to the Court; it will appear that this is one of the modes adopted, probably with the view of pressing the technical objection that non but the Attorney of Record can be heard. When a Court suspects that it is to be made use of for the prepertation of a fraud, I say it is a power inherent in the Court to direct an examination to be made, and they will hear any party who comes into court and says that their records are tainted with a fact of this Court to direct an examination to be made, and they will hear any party who comes into court and says that their records are tainted with a fraudulent transaction; and if such a state of facts appear, it will be the duty of the Court in such cases to interfere. Now, I say that the independent transaction; and if you have the propertion of a fr wher) was not bound to litigate with a party anot authorized to act and with whom they could make a bargain to settle the suit. He cared nothsbout this particular case, but only about its influe as a precedent. Bad precedents were followed, they finally became bad law.

Ir. Busteed also interposed an objection on the t of the city. He characterized the proceeding as raordinary, absurd, foolish and dangerous. The bers on which it was based stated that he (Mr. steed) had declined to appear. This statement he nonnced to be untrue. Judge Whiting he pro meed to be an intermeddler, and it was the duty of Court to intervene against all intermeddlers, and make attorneys and counselors conform to the rules law and practice in their action. He had made ase, and it was false to say that he had declined interfere now. He stated it as a fact, that the detdants, by a resolution of the Common Council, had structed him not to interfere, and by virtue of his ice as their agent, they instructed him to carry out far as it could be done, the contract made with bert W. Lowber. He hoped that the parties who ere new interfering, and were making use of the curt for false purposes, would be dealt with and the

tter proceed. Judge Roosevelt asked if Mr. Whiting desired to

bly?
Mr. Whiting said he did not know how he could ske the Court understand his reply without a stateent of the facts.

Judge Roosevelt thought that would be necessary. Mr. Whiting-I will proceed, then, to state the facts, at I may make my position understood. It has been eged that this is a new proceeding by the bar at ge, and that there is no person responsible for it. us take a short review of the history of this case. tus take a short review of the history of this case, uppose, and the whele bar supposes and the committy supposes that a Court of Justice is erected for purpose of administering to suitors who appear fore it that great and important article required sticularly at the present time—even-handed and nest justice; and one of the gravest questions to presented to the Court for consideration is whether will allow itself to be used as the instrument will allew itself to be used as the instrument the perpetration of a most outrageous fraud? ow, then, what is the history of this case in ort words? The Common Council at a ry early day was applied to to purchase a certain a perty on the East River for the purpose of a rket. They were besieged until a resolution passed acting the Controller to advertise for proposals for a property for a market. The proposals were reved, and among them was one from Mr. Lowber, a plaintiff in this suit, and the Corporation then, in ived, and among them was one from Mr. Lowber, a plaintiff in this suit, and the Corporation then, in slation of its duty and in violation of the law of the d., passed a resolution directing the Controller to by this specific piece of property from Mr. Lowber, a Controller never did buy it. He never made a the presented it to the Controller, who reto receive it, and up to this period of
the Corporation Cours-1 never reported
r as to the purchase or the title to the Controller
se city. Immediately after the presentation of
seed to the Controller, Mr. Lowber commenced a
Kaint the Controller, Mr. Lowber commenced a t against the Corporation to recover the amount of consideration money or to enforce the performance this contract authorized by the Common Council. u the face of his complaint it is demurrable. This per goes into the acts of the Corporation Counsel, defense is set up substantially that no approprian is made in the City Treasury to pay the claim; d that is all the defense the Counsel to the Corporasets up. One or two days before the cause has to

come on, the Controller of the city is informed of the fact. Foreseeing that the Corporation Counsel was not likely to perform his duty, the Controller employed counsel, who after 15 minutes consultation, not with the Controller, but with the Corporation, not with the Controller, but with the Corporation, not with the Controller, but with the Corporation, not with the Corporation, the trial probably not occupying an hour. The report of the referee who consents do not when the case was not referable, consents do not that the Corporation should perform a contract which was not made, but that the Corporation should pay nearly \$200,000 as the purchase money of this property. The Controller was satisfied that there was something wrong about it, and thought the Corporation Counsel had failed to do his duty. An instance like it is not to be found from the days of Rose's reports to the present, and I hope, for the honor of the profession, that a case will never happen again. He caused an examination to be made into the question of the title of this property, and it turned out that two-thirds of it Mr. Lowber had no title to and never had. An application was then made to the Corporation Counsel, with a knowledge of all these facts, and he was requested to move the Court to open the judgment and let the defendant into a defense. The Corporation Counsel has just stated that the recitals of this paper, I shall use in answor to the peculiarly emphanic language he has made use of in speaking of interlopers, impudence, &c. Upon the refusal of the Corporation Counsel to move to open the judgment, the Controller—one of the most important officers standing at the head of the financial department of the city, although not belonging to the Corporate body—applied to the Court and asked that it hear the history of the case, and see whether there was not something in the shape of honesty, integrity and justice which good to the case, that this proceeding has commenced in fraud, was carried on in fraud; that the independent was obtain have an authority. An authority for such a fraud! There has not been a fraud perpetrated like it! There has not been a lawyer who has lent himself to such a has he' been a lawyer who has lent himself to such a matter seek the light. They object to the matter being heard, or the facts being known. Did not Hudibias say:

"No rogue e'er felt the halter draw With good opinion of the law"?

I never knew a man who was tried on an indictment

who was ever willing to have the facts known. If the Corporation are honest—if Mr. Is wher is honest and his fitle is good, he will get a judgment. If the Cor-poration Counsel is honest, he will here have an op-portunity to show that he has acted in good faith to the community. But if justice is to be prestituted, and truth, and honor and honesty are to be trampled under foot, as it has been done under the forms of law, and truth, and honor and honesty are to be trampled under foot, as it has been dose under the forms of law, because a little power is conferred upon these gentlemen, my word for it, the time is not an distant when there will be no law left, and when every man will be the law unto himself. It has been said by able mea that in times of great corruption we are to look at last for our bopes of the perpetuation of our institutions, laws, and liberties, to the Judiciary, and if the Judiciary and if the Judiciary and if the Judiciary do not lend a helping hand and establish precedents for itself to prevent the perpetration of frands as the ingenuity of mea shall find new modes of inflicting wrong, then I ask where is he remady? It is a well-settled principle of the common law, that wherever there is a wrong there is a remedy. Now, Sir, it is said that we are interdopers—that we are impertinent. We are here in the character of a tax-payer and as the representative of the Controller of the city—a component part of the City Government, out of whose treasury-box this fand is to be taken, causing an additional tax of \$200,000. And my word for it, if they can succeed in this operation, they will ask the Counsel to buy another piece of property for \$40,000 to which they have no title. They will next tell the Counsel to the Corporation—the person who represents the people of the city because the ballot-box has been corrupted—to suffer judgment by default, and he will do so; and thus it is that this Court is to be made the instrument of fraud. If this case be new, it is new in the instance, and not in the principle. If the history of judicial proceedings cause the ballot-box has been corrupted—to suffer judgment by default, and he will do so; and thus it is that this Court is to be made the instrument of fraud. If this case be new, it is new in the instance, and not in the principle. If the history of judicial proceedings furnishes no precedent like this, it becomes the Court to look into the matter and see whether it has power to intervene. I have a right, as amicus curias, to come in and advise the Court of this transaction. If they think this Court has not power, why did they come here? They could have permitted the Court to make any order, and they have the matter reviewed. Then, if your Honor pleases, we say that this judgment may affect the interests of third parties, no parties to the record: and if the parties to the record have been engaged fraudulently and corruptly, or by collosion engaged in entering up that judgment, so that their rights and interests may be affected, that third person may come in and ask the Court to interfere and remove that judgment, or open it so as to give him an opportunity of being heard. Otherwise what control would a Court have over a collusive or fraudulent judgment. I am not here as a paid counsel. I admit I am a volunteer, because I saw there was no way of standing by the people except some one did volunteer; for the men who are placed to guard their rights are worthy of an indictment rather than of an elevation to places of trust. Sir, this city to day has an empty treasury, with nine millions of collars to be run out of the pockets of the people by their last assessment—every dollar of which is spent; and thay are going to take a million and a half more from the city under the sanction of the Court, if they can get it. There is a deep-laid scheme to buy back the Gansevoort property for \$390,000. The resolution has passed the Board of Aldermen, and it only sleeps until the consummation of this, when it will rise the resurrection of damnation or be carried into effect. The first question which is, how long the people of people will be satisfied with the judgment. But if the Court does not permit the facts to go out to the community, then there will be that secret dissatisfaction that belongs to Governments formed like ours at such a result. I had intended to present this matter to the Court with the mere reading of the papers and the points I had prepared. I did not come here to make a speech, for this case has tongues that speak for themselves. It has a hundred tongues which can speak so cloque ntly as the facts are detailed, that to add a word to them would be to add nothing. There is the tongue of the course himself. His language is put down in black and white. I shall make no argument—no comment upon them. They are there. By them he must stand or full. I submit that your Honor will hear all the facts of this case. You will look into it and see whether it is one in which the Courts can interfere, for if the Court cannot permit me to be heard—if the Court cannot permit any remedy—it, of course, must decide if the Court carnot permit me to be heard—if the Court carnot permit any remedy—it, of course, must decide that Mr. Lowber has made an honest sale—that the Corporation has made an honest purchase—your Hener will confirm the judgment, and the city will obey it. Let the people be satisfied of the integrity of the purchase—of the integrity of the officer who entered the judgment, and there will be no complaint. But if not ratified—if they believe that to two-thirds of the property Mr. Lowber has no title, nor never had either by grant or conveyance, and if I shall show that there is a mortgage of \$40,000 on this property, and unpaid judgments to the amount of \$13,000 more, I ask then whether these facts will not show if Mr. Busteed performed \$40,000 on this property, and unpaid judgments to the amount of \$13,000 more, I ask then whether these lacts will not show if Mr. Busteed performed his duties! These are facts which I propose to prove, and if they don't prove a species of out and negligence that will amount to smarther. of guilt and negligence that will amount to something more than a gross violation of duty, it will at least be enough to authorize, the Court to interfere and open this judgment, and to command this officer of the people of the City of New-York to do his duty faithfully to his chients—the cestus que trusts—the people of the City of New-York and not the Mayor and Common Council—not his masters; nay more, I charge in this case that the Mayor, the Aldermen, the Councilmen and the Corporation Coursel have conspired to cheat the citizens of New-York cut of the amount of this judgment, and I shall undertake the demonstration of this by the papers here. On the 20th of August the last resolutions authorized the Corporation Counsel to go on and perfect this sale by the sale of the real estate of the city. On the 24th the Councilmen continued the resolution very much at the instance of the estate of the city. On the 24th the Councilmen con-nimed the resolution very much at the instance of the Corporation Council. On the 25th, the resolutions went to the Mayer's Office, and on the 26th he af-ficined them; whereas, the original resolutions, my papers show, were permitted to pass sub-silentia in the Mayor's Office, for reasons which will be hereafter be made known.

Major's Office, be made known. At the conclusion of Mr. Whiting's remarks, Mr. Busteed arose, and, in an excited manner, began a tirade of vulgar abuse which is seldom equaled. It was characterized by such language, in speaking of Mr. Whiting's remarks, as ' the vilest personal abuse 'that ever proceeded from the filthy mouth that uttered it"-" brutally coarse expressions"-" only fit to be placed in the first chapter of Billingsgate "emenating from one who has grown gray in filth and slime"-" had listened to it with emotions that must have filled every mind and heart not as cor rupt as the source whence it had proceeded"-" in listening to it it had seemed to him [Mr. Busteed] that he was in the Bowery Theater listening to the filthy harangue of a candidate for the Mayoralty, before the smoking and fetid atmosphere of the foot lights -" a man whose glory is his shame"whose years alone entitle him to be believed of sane 'mird"-" a briefless lawyer disappointed in his political ambition, with no rox popule"-" so naturally loathsome and vile that it sees only corruption is everything it tilles"-"slandered by the venomed tongue of disappointment in the imbecility of age" "the vilest falsehood that ever escaped from 'loathsome mouth," &c. He said in the course of his remarks that he was elected Counsel to the Corpo peration by 3,500 votes—a clear majority—while Judge Whiting received 3,000 votes for Mayor, for which \$35 a piece were paid. When Mr. Busteed had concluded, Judge Roosevel

spoke in terms of censure to him for the language used. Mr. Busteed said that he should not have it had it not been for the occasion given for it by Mr Whiting's remarks.

Judge Roosevelt thought that in the introductory remarks of Mr. Busteed strong language was used. Mr. Field argued that the Judiciary should not inter

fere to prevent the corruptions in other departments since the people should be taught that they mus purify the ballot-box for protection against excessive taxation. Judge Rooseveit said that, as the hour of adjourn

ment had searly arrived, he would hear Mr. Busteed A conversational discussion arose between the Court

Mr. Whiting, Mr. Field and Mr. Noyes, in which Mr. Whiting urged his claim to have the corresponde between himself and Mr. Busteed put in.

Judge Rossevekt said he would decide that this

The following is Mr. Busteed's answer to the notice

The following is Mr. Busteed's answer to the notice served upon him in the case:

RICHARD BUSTRED, the attorney and counsel for the defectants in the above-entitled action, and Counsel to the Corporation of the City of New York, for answer to so much of the notice served on him herein, on the 24th day of August; 1857, which states that if deemed necessary, a motion will be made that a man came is see against him to compel him to perform his cuty in making the proper application, to set aside the judgment and execution herein, and to set up all the legal and proper defense in this action, to which the defendants are enabled, respectfully submits:

mits:

First: If the Court can find authority to compel the Corpora

Hits:

First: If the Court can find authority to compel the Corporation to take any legal steps in this matter. I am perfectly prepared in that event to perform my duty, which such a result or the office I hold may devolve apon me.

Second: As matter of law, I deny that the Corporation can be ordered by this or any other Court to defend a suit. If the Corporation neglect its approase daths, it is to be proceeded against in another form—que corrento.

Third: As Counsel to the Corporation. I have the right, and am bound to exercise discretion and judament as to whether be a cause or be not defended; and for the exercise of this discretion and geternent i am only responsible to my client.

Fourth: I have made an official communication to my client in this matter, and they have approved my course.

Fifth: A mandamus is a proceeding to make an officer act, upen whem a specific legal duty is enjoined, but it cannot be employed to direct him how to act. A Judge may be ordered by a mandamus to estine legal duty is enjoined, but it cannot be employed to direct him how to act. A Judge may be ordered by a mandamus to estine legal duty is enjoined, but it cannot be employed and the same than the content of the day.

Sight And I him that it would be a bad precedent for the profession to permit themselves to be called upon to make affidavits and the content is the same of the startling novel-ties of the day.

Sixth: And I think that it would be a bad precedent for the profession to permit themselves to be called upon to make adhavits in reference to their professional action, when it is assailed by persons other than their chents. And I rest so much of this case as relates to me, or my character, my course as publicly adopted and known in the Lowber case, my public explanations in reference to it already made, and the merits of the Lowber claim itself, as supported by the highest professional indorsements.

Attorney and Counsel for the Defendants.

THE BURDELL ESTATE—THE DECREE SET-TLED.
SURROGATE'S COURT—SETT. 3.—Before A. W. Baro-FORD.
The coursel in opposition to the claim of Mrs. Cun-

The course in opposition to the claim of Mrs. Canningham to administration upon the estate of Dr. Burdell, proposed a form of decree, embodying the Surrogate's recent decision, which was, with some slight alterations, settled as proposed by the Surrogate.

No opposition was made by extJudge Dean, who appeared on behalf of the late Mrs. Burdell. He, however, inquired whether it was the usual practice in the Surrogate's Court to make the losing party pay

costs.

The Surregate replied that it was not usual, but

costs.

The Surregate replied that it was not usual, but that any other course would be inconsistent with the finding and the facts upon which it proceeded. The following is the decree:

At a Surregate's Court, held in and for the County of New York, at the Surregate's Office, in the City of New York, on the 20th day of August 1937. Present, Alex. W. Bradford, eag. Surregate.

In the matter of the Goods, Chattels and Credits of Harrey Burdell, deceased.—Application having been herefolten made by Emma Augusta Commingham, calling berself Burdell for letters of administration to the goods, chattels and credits of Harrey Burdell; and after evidence and proof fully hat for and against such application, and the adv cates for the different partice having been heard, it is adjudged and decreed that the said classified been leaded. And also, it is decreed and adjudged that letters of administration on the goods, chattels and credits of the said flarver Burdell, deceased, be issued to the decedent's next of kin, on giving the proper security; and as to the expenses and frees of proctors and atvocates who have appeared for the respective next of kin, that the same shall be paid out of the estate of said decedent, except the taxable coats, which shall be paid by the said femma Augusta Cunningham.

A. W. BRADFORD, Surrogate,

Mrs. Cunningham now has thirty days in which to peared for the estate of said decedent, except the taxable costs, which shall be paid by the said Emma Augusta Cunningham.

A. W. BRADFORD, Surrogate,

Mrs. Cunningham now has thirty days in which to appeal from this decree. She could not have instituted an appeal before.

BROOKLYN SUPREME COURT—Special TRAM.

BROOKLYN SUPREME COURT—Special TRAM.

Application was made to Judge Birdseye yesterday to vacate an order staying the sale of city property in the Governor's Room, City Hall, which had been levied upon at the suit of Francis Swift. The motion was denied. Some time since the property in the Governor's Room was seized on a judgment obtained by Swift against the city. An injunction was laid on the sale at the suit of Mr. Scammon, who held a judg-ment against Swift for \$5,000, which was obtained in s civil suit for damages.

Nations.

John H. Jones et al. ast. The ship Richmond, &c.

Ordered, that the exception to the report of Commissioner Stillwell be overruled and the report con-

COURT OF SPECIAL SESSIONS-SEPT. 8 .- Before Justices

COURT OF SPECIAL SESSIONS—SEFT. 8.—Before Justices Ossons and Convoluty.

John Brown, a boy, was arraigned for stealing, on the 5th of September, 56 cents worth of empty barrels, on the consplaint of Hyatt L. Gerrison, from the sloop Martin Hynes, at the foot of Jay street, N.R. He was caught in the act. Convicted and sent to the House of Retings.

Alexander Colline, a boy, was charged with stealing, on the 4th of September, a cap valued at 25 cents, from George Benson, No. 397 Grand street. The cap was found in the bey's presession; but the child cried violently, and his mother, who stood by his side, plead tearfully and fervently for the mercy of the Court. The complainant, too, interposed for Alexander, requesting his dismissal. The Court thereupon simply found him guilty and suspended sectione, when the mother and calld, both crying, burnedly left the Court-room together.

Alice M'Namara was arraigned for an assault, on the 5th of Sept., by firing a loaded revolver into the house of Catharize McBride, No. 143 Suffolk street, and attempting to take deponder's life. Defendant was convicted and sent to the Pententiary for six mantles.

Francee Warren was arraigned for assault and battery, on the 3d of Sept., on Ellen Smith, No. 12 Avenne D. by Achibit decrease.

Frances Warren was arraigned for assault and battery, on the 3d of Sept., on Ellen Smith, No. 12 Avenue D. by
striking deponent "with her hist and pulling her hair." Conviced and sent to the City Prison for 23 days.

Matthew Finnegan was arraigned for assault and battery, on the 5th of September, on his mother, Mary Finnegan, No.
270 Delancy street, by hitting her with a broomstick. The old
lady testified that she had to support him, and yet he assaulted
her in this manner. The young migrate was convicted and sent
to the Peniterilary for six months.

John Farrell was arraigned for picking the pocket,
the 6th of Sentember, of Robert Taylor, City Prison of the

on the 6th of September, of Robert Taylor, City Prison, of the soun of \$14.66 it hank color grid and affect coin. He was aught in the felonious act. Convicted and sent to the Peni-let tlary for six months. James Crawford and Wm. McCormick were charged James Crawford and win, McCornick well and Joseph Bryan of the First Precinct Police, and attempting to rescue a prisoner. The first was convicted and sent to the Penitentiary or three months. The second was acquitted.

James Freeland was arraigned for assault and bat-

lor three months. The second was acquitted.

James Freeland was arraigned for assault and battery, on the 5th of September, on Joseph A. Kennan of the Tenth District Poice, by striking deponent in the face. Found guilty and sent to the Penitentiery for three months.

James Buckley was charged with stealing, on the total of Sept., a piece of canvas, valued at \$4.50, on the complaint of John Hajpie, from the canal heat John B. Wright, lying at pier No. 9 East River. The complaint charged that the necursed was seen with the property in his possession, and after some testimony had been chiefed, the Court at once proceeded to convict the prisoner, and sentenced him to the Penitentiary for 4 months. But Mr. C. Spencer, council for the accused, the moment this as tenne was pronounced, at once loudly remonstrated assinst what he characterized as an arbitrary judicial decision, because it summarily, secounced said, shat him of from his legitimate privilege of cross-examiting the witness, of which privilege Mr. Spencer said, he was on the point of availing himself. But the Court refused to listen to the protestations of counself, and the accused was taken off in charge of the officer. Mr. Spencer announced his purpose to appeal. The Court seemed to intimate he might do so. It was atterward understood, however, that the Court had agreed to reopen the case on Thursday, and let in whatever evidence Mr. Spencer meposed to bring before them by the cross-examination from which he complained he had been arbitrarily excluded. Mr. Spencer declared very emphatically, that he was "no common "abster, kinning for business around the Tombs," and he would not tamely arbinit to what he conversed awrong inflicted upon the client, by any Court.

Buckland Seekamp was arraigned for assault and battery, on the 5th of September, on Johanna Seekamp, No. 270 Third avenua. Found guilty, and sent to the Penitentiary for four months.

Edward McCormick was arraigned for assault and

Edward McCormick was arraigned for an assault,

Edward McCormick was arraigned for an assault, on the 17th of August, on Henry Krohs, No. 131 Greenwich street. Convicted, and sentence suspended.

Win. Burns was charged with stealing, on the 7th of September, a bank note of the denomination of \$1, from the pecket of Janes Mooney, No. 93 Mulberry street. The accused was caught with his hand in deponsant's pocket. Convicted, and sent to the Penlientiary for six months.

Timethy Ryan, charged with stealing a lot of yellow pire lumber from John Van Pelt, of No. 247 East Nineteenth street, and Wim. Brown, colored, charged wite stealing a hat worth \$2 from Cornelius Stevens, of No. 420 Canal street, were both convicted, and their sentences suspended.

Austin Maloy, arraigned for assault and battery, on the 5th of Sept. on Mary Ann Kealy, was convicted, and sent

te 5th of Sept. on Mary Ann Kealy, was convicted, and sent the Penteutiary for 2 months. Peter Lyons was arraigned for stealing, on the 5th of Sept., 87 cents in silver coin from the pocket of David Leonard, of Van Dyke's Eating house. Catherine slip Defendant was seen to put his hand in complainant's pocket and take the motery. ween to put his hand in complainant's pocket and money. Wm. Carpenter and John Gallagher, charged with

on victed and their sentences suspended.

The cese of James Murphy and Dennis Cunningham charged with assault and battery, on the 3d of September,
on Wm. Weir, No. 563 First areause, was ordered to the
General Sessions. The complaint charged the accused with
beating deponent samefully.

George W. Lyon, John H. Cann, Mary Ann Duffan,
At Ellio Description of the 6th of Sepent Ellio Description of the 6th of Sep-

George W. Lyon, John H. Cann, Mary Ann and Ellen Dolan, were arraigned for stealing on the 6th of September copper coins of the sum of \$1, from Lewis Woodraff. No. 56 Huston street. The first three were dismissed, and the fourth was remainded.

No. 16 Heliaton street. The first times were used to the fourth was remanded.

Andrew O'Brien was charged with assault and battery, on the 5th of September, on Timothy Hogan, No. 3 Peckalip. The accused struck deponent on the arm with an iron bar, and threatened to take his life. He was convicted, and lived \$50, which was promptly paid.

Henry Leighenfeldt was arraigned for embezzling, at different times, the sum of \$40, from Jacob Emerling, Ninth avenue, corner of Fifty-second street. The accused was a clerk in the employ of complainant, and the embezzlement was committed while occupying that relation. Convicted, and sent to the City Prince for Sent Convicted, and sent to Prison for 30 days.

Prison for 30 days.

Prison for 30 days.

Prison for 30 days.

Prison was arraigned for stealing, in the

Mary Brown was arraigned for stealing, in the month of August, a quilt and parasol valued at 64 from Anthony Johnson, at the church in Fifth street. The parasol was found with the accused. Convicted, and sent to the Penitentary for four months. The same defendant was charged, in another complaint, with stealing, on the 2d of September, a dress pattern valued at \$7, from Susan Handy, No 21 Taliman street, Brooklyn, on which she was counted, and sentence suspended.

Henry Vock, arraigned for assault and battery, on the let of September, on Solomea Goldsmith, No. 15 Recter street, was fixed \$6.

The Cary of Sarah Sands, made celebrated by the

abrupt visit of Capt. Hart to her castle a few mights since, in observer to the virtuous prayer of a number of her offended up-town neighbors, charged with keeping a disorderly house at No. 18 East Eleventh street, was, by the consent of all parties, adjourned over to Thursday next. Mr. C. Spenor has the management of Sarsh's threatened interests, and avons his falleon fidence in her prospective sequitists. The gentlemen and dearges rought in her house are in a futter over the coming discourse.

cleams.

Theodore Habes, charged with as cault and battery, on the first of August on Joseph Klebs, No. 55 County street, was fined \$25.

The case of Andrew Kiber, arraigned for assault

a city action toward and Patrick McGuire, arraigned for assent and battery, were both convicted, and their sentences suspended.

Owen Keegan, John Shay, James Wheeler, Chas. Smith, Andrew Gilbon, John Doren, John Domelly, James Dorssy and Mary Keana, arraigned for assault and battery, and John Meelan, Joseph Berchardt, Eridget McDonald, Henry Patrasite, arraigned for petit larceny, were all discharged for non-attendance of witnesses.

The case of James Brady, charged with stealing a \$2 bank bill, was put over to next Saturday; that of John F. Murphy and Patrick O'Neil, for assault and battery, was put over to Thursday next; that of Frederick Schutt, for larceny, was put over to Saturday next, together with those of Bridget Weish, Henry Baker and Joseph Weish, for assault and battery, and Lewis G. Newall for larceny, were adjourned over to Thursday, Sept. 18; those of Henry Steinberger and James McLeunjillin, for assault and battery, was put over till saturday for sentence.

Thomas Miller, arraigned for assault and battery, on the 26th of August, on Joseph Graham, No. 64 Whitehall street, was put over till Saturday for sentence.

Thomas Miller, arraigned for assault and battery, on the 26th of August on John F. Bickson of the Sixth Precinct Folice, was convicted and sentence suspended.

Adjourned to 9 o clock Thursday morning.

COURT OF GENERAL SESSIONS-Sept. & -Before Judge

COURT OF GENERAL SESSIONS—Sept. 2.—Before Judge
Russell.

This Court opered this morning at 11 o'clock, with
a comfortably crowded auditory in attendance. The Cierk
called over the names of persons summoned as Grand Jurors,
but a quotum sufficient to transact business not yet answering,
those answering were sgain discharged till to-morrow merning
at 11 o'clock.

John Howard then approached the bar, and pleaded
guilty to burglasy in the turd degree. Judge Russell in addressing the piscoper the usual preliminary remarks before
senterce, said, so far as the Court have, this was the prisoner's
first offense, and it was customary in such cases to award the
party stood convicted. But in consequence of the fearful increase of crime in this city, the Court intended, for this term,
at least, to double the usual penalty for all first offenses, and
"see what effect that would have." The accused was thereupon sentenced to the State Prison for four years
Georgio Weiler, a German peadder, was then placed
on triat for grand larcety. The specific charge against Weller
everweld him of feloniously taking, on the list for July last, four

George Weiler, a German peddler, was then placed on trial for grand larcety. The specific charge against Weller secured him of feloniously taking, on the lith of July last, four pieces of litten, valued at \$60, from the establishment of A. & S. Henry & Co. No. 142 Breadway.

The first witness, James H. Warring, porter of the aforesaid establishment, testified, that the acousted, in company with another person, can to the store where the witness was employed, about 7 o'clevin the mersing of the 18th of July last and one of the two asked witness if "the folks were in " Witness said "no." The two stranger did the seme, the companion of Weller at samples of goods; witness was close by; Weller walked all round; the other stranger did the seme, the companion of Weller then walked into an adjoining room, and Weller, in the mean time, kept engaging witness's attention by asking him questions; the associate of Weller remained in the adjoining door open, when witness, with Weller, went after the about associate; Weller then professed to miss his pocket book and went back; he then ran down stairs another ways hortly after the prisoner. Weller, was atreated at the corner of Liberty street; the four pieces of linen goods mentioned in the ministment, were immediately missed; witness said they were worth \$60.

A. Mr. Downing agent of the aforesaid house, was sworn and

was arrested at the corner of Liberty street; the four pieces of linen goods mentioned in the indictment, were immediately missed; witness said they were worth \$60.

A Mr Downing agent of the aforesaid house, was sworn, and substantially confirmed the above witness as to the value of the linen in question, and that he came to the store about 9 o'clock on the morning of the likth of July, and missed 4 pieces of linen. This witness testified that they only kept samples in their store on this side of the Atlantic, and kept no goods here for sale. Hence they could detect at once and with certainly when any goods disappeared.

This was the substance of the testimony. The defense offered ne witnesses, and after a brief charge from the Court the Jury

this was the substance of the testimony. The defense offered ne witnessees, and after a brief charge from the Court the Jury took the case, and conferring a short time without leaving their seats, returned a werdlet of Guilty of Grand larceny. The princers was at once called up for sentence and sent to the State Prison for 4 years.

Dorother Jung, indicted for grand larceny, pleaded guilty to petit larceny, and was sentenced to the Penitentiary John Cowen and Patrick Cowen were then placed.

John Cowen and Patrick Cowen were then placed

John Cowen and Patrick Cowen were then placed upon trial for as-sult and battery with intent to kill. The assult was slieged to have been committed upon Officer Carey of the Ephtrenth Ward Police, at the corner of Twentieth street and Third avenue, on the night of the lith of February last, at about 11½ o'clock. The evidence in this case was insufficient, under the particular provision of the statute, to hold the accessed for an "intention to kill," and so that part of the indictment was abandoned by the District Attorney. But the evidence was quite clear, so far as John Cowen was concerned, of a very violent assault and battery. In regard to Patrick Cowen, there was no evidence which the law could recognize to hold him. The assault was committed upon Officer Carey with an elastic weapon, as long and quite as thek as a policeman's club, litting him series the forehead, and cutting a deep gash near the edge of the bair, in the bands of John Cowen. The only evidence against Patrick Cowen was that he, with two others, was present at the affrey, having an iron bar in his hand, but did not attempt to use it.

The Jury deliberated a few moments upon the evidence, of

The Jury deliberated a few moments upon the evidence, of which the foregoing is the substance, when they returned a verdlett against John Cowen for assault and battery, and acquitted Partic Cowen. John was then called up for sentence and sent to the Penitentiary for six months.

Mary Stubbe, alias Mary O'Conner, was indicted for assaulting Helen Secti, on the 25th of July last, at No. 465 Tenth avenue, with intent to kill. After the testimony of Last and main witness in this case (the complainant), both the Court and District Attorney deemed the evidence so questionable as heardy to render it proper to go to the Jury. The Jury,

SEPT. 2.—Before Judge RUSSELL.
CHARGE TO THE GRAND JURY—MRS. CUNNINGHAM'S
CASE.
A Grand Jury was impanned this morning, com-

A Grand Jury was impanneled this morning, composed of the following persons: Philetos H. Holt, Foreman; Philip Bachman, Samuel Beadhurst, Waiter Carter, John W. Mersereau, Gabriel Mear, John Axford, Henry Corse, Samuel S. Constaut, Themas Denny, Henry B. Zells, Edward H. Fletcher, Chas. C. Goodhue, Guttis Judson, William A. Kent, Casper Trumpey, Elisha Trunghton, Marcus Colbura. Judge Russell then proceeded to charge the Grand Jury. After adverting tofthe usual topics specially required by statute, be passed in review the case of Mrs. Cumingham, which the District Attorney had stated would be the first brough before the Grand Jury. He read the statute controlling the case, as follows:

the Grand Jury. He read the shades follows:

"Sgc. St. Every person who shall fraudulently produce an "Sgc. St. Every person who shall fraudulently produce an infair, failedy pretending it to have been hora of parents whose child would be entitled to a share of any personal estate, or to inherit any real estate, with the intent of intercepting the inheritance of any such real estate, or the distribution of any such personal property, from any person iswfully entitled thereto, shall, upon conviction, be punished by imprisonment in a State

be ritance of any such real estate, or the distribution of any such personal property, from any person lawfully entitled thereto, shall, upon conviction, be positived by imprisonment in a State Prison not exceeding ten years."

This was a plain and precise statute, and, in his judgment, embraced the cases, first, of a surviving husband or wife who should fraudulently produce an infant as the result of a party who should fraudulently produce an infant as the result of a pre-tended, the statute may be violated.

The word "produce" seemed to mean to exhibit and assent, or sesset, that an infant was born of a particular marriage. The question was as to the purpose of the production. The orime was of the nature of a forgery, and the statute looked at the attempt to cloud the title to the estate by the production of a faire heir.

Judge Russell also salled attention to frequent complaints of cities as that their criminal complaints before some of the majoristics are disregarded. This was neglect of daty, and, by the statute, indictable as a mindemeanor. Said the Judge:

"It is may intention, the next complaint of this nature made to me, to entertain the complaint myself, to issue the warrant, have the party errested, sive the examination that the law requires, and send the papers before you. At the same time I shall take affidavit a grainet the manistrate, which will also be sent before you. For if this evil does exist, it is high time the remedy was applied. Crime Is increasing, and magistrates must be made to do their daty."

The Grand Jury then retired to their room for deliberation.

William Johnson and John Williams, boys, indicted for hugdary in the third degree, pleaded guilty to an attempt at burglary in the third degree, pleaded guilty to an attempt at burglary in the third degree, pleaded guilty to an attempt of Refuge.

Valentine Diederich, Andrew Stumpff and Ernest V

Valentine Diederich, Andrew Stumpff and Ernest

Valentine Diederich, Andrew Stumpff and Ernest Freman were indicted for grand larceny. The indictment charged the accused with having stolen a horse and wagon containing vegetables and some other articles, on the 17th of July last, from Weshington Market, the property of John Rougen. The horse and wagon were alleged to be worth \$200. The boys were found at Yonkers with the horse and wagon, and there arrested by a Metropolitan pollocunan stationed at that locality. They offered to sell the property to pollocunan Nodine, soon after which he made the arrest. They confessed to the pollocunan they had taken the horse and wagon from Washington Market, but said they had only done so be take a ride. When overtaken by the pollocunan they were going back to Washington Market with the wagon. Reagen testified that the horse and wason were worth \$200, and that be got back all that was taken, except the vegetables and cost that were in the wagon. Dieslerich and Freeman wore both both in New York, and deposed that they were poillers by eccupation. The first declared timself 18 years old, and the second 19. Stumpff deposed that was born in Germanny, was 18 years old, and also a peddler by occupation.

himself 18 years old, and he seems 18 years old, and also a peddler by occupation.

The circumstances attending the case "squinted awfully" toward a telonious intent, and yet there were other circumstances looking as if the accused might have taken the horse and wagor merely, as they said, to take a ride. And this was the spirit of the Judge's charge.

The Juny conferred a short time upon the case, when they found a verdict of "Guilty," with a strong recommendation to the mercy of the Court. The prisoners were at once brought up for sentence, and were all sent to the House of Refuge.

John Dunn was then placed upon trial, indicated for assent and battery, with a knife, with intent to knil, on the 29th of March last, on Peter Calkin, as the course of Nineteenth street and Seventh avenue. The testimony of the first witness. Mr. Calkin, and the complainant too, was of such a confused and onsettisatory nature, as at once to induce the District Attorney to shandon the case. The Jury, therefore, timply passed upon it, pro forms, and immediately returned a verdict of "Not Guilty." Defeadant was discharged.

Adjourned to 11 o'clock to-morrow morning.

BROOKLYN COURT OF SESSIONS .- Before Judge Me

BROOKLYN COURT OF SESSIONS.—Before Judge Mean Ris and Associates Emmons and SchoomMakka. Yesterday morting Andrew Smith was placed on trial for selling lottery policies. The complaining witness, Mary Scott, testified that she had frequently bought policies at the defendant's place. She at one time made a "hit," which defendant would not pay. Smith's place is No. 303 South Fourth street, Williamsburgh. No defense was offered, and the Jury, after a brief absence, rendered a verdict of smity. The Court sentenced him to six months in the Penitentiary, and to pay a fine of \$25.

sentenced him to six months in the Penitentiary, and to pay a fine of \$25.

Peter McQuade was placed on 'rial on an indictment charging him with having, on the 12th of June last, stolen as horse and carriage, the property of George Law, each, which had been temporarily left standing near the Hamilton Ferry. The prosecution being unable to sustain the allegation, the Juny rendered a verdict of "Not guilty," and the prisoner was

BRETT-GARRICK-On Thesday, Sept. 4, at the residence of the bride's brother. No. 25 City Hall place, by the Rov. Jehn A. Kelly, of South Amboy, N. J., Mr. James Breet to Nice Catharine Garrick, all of this city.

JONES-LA FORGE-On Tuesday Sept. 2, by the Rev. Jeseph S. Jones to Roxcellernah, puly daugiter of the

JENKINS-FORDHAM—On Wednesday, Sept. 3, at the Church of the Holy Trinity, by the Rev. Dr. Lewia, Frank W. Jenkins to Magtie D., daughter of A. S. Fordham, esquall of Brocklyn.

LEVERICH—FRICKE—In Brooklyn, on Thursday, Sept. 5, by the Rev. C. Keisey, Mr. Sacket Leverich to Miss Marye daughter of late John A. Frank

terton to Miss Josephine A. Mend.

MERWIN-JENNESS-At Strafford, N. H., Sept. 3. by the Rev Mr. Holmes, Augustus W. Merwin, of Janesvilla, Wisconsin, to Annie W., daughter of the Hon. B. W. Jenness.

OSMUN-BEDELL-In this city, on Wednesday, Aug. 5. by the Rev J. A. Roche, Mr. Daniel C. Ommit to Cornatin, daughter of the late Daniel S. Bedell, eeq., all of this city.

PARMELEE—HORTON—At Dorchester, Mass, on Monday, Sept. 7, by the Rev. John H. Morison, Mr. Samuel E. Parmeire, of this city, to Miss Martha, daughter of the late Frech Horton, of New Bedford.

SEAMAN—GILLELAN—Sept. 2, by the Rev. George B. Draper, Mr. James J. Seaman and Miss Ellen Ophelia Robertson, daughter of Mr. John Gillelan, of Harlem, N. Y.

SMITH-TOTTEN-At Babylon, Long Island, on Sun Sept. 6, by the Rev. Mr. Cooper, Mr. Amos C. Smith to I Charlotte L. Totten.

Charlotte L. Totten.

SANFORD—COLF—In Brookiyn, Wednesday, Sept. 3, by the
Bev C. W. Anshie, Mr. William W. Saneford, of St. Louis
to Miss Elira A., eldest daughter of John V. Cole, eeq. of
Brooklyn.

Baltimore and St. Louis papers please copy.

· DIED. BRENNAN-Of remittent fever, on Monday evening, Sept. 7,
Ann Delancy, the beloved wife of John Brennan, aged 20
years, a native of the Courty Tippery, Ireland.
COWEN-In First avenue, on the 5th inst. Bridget, widow of
the late Thomas Cowen, in the 5th year of her age.
CORKINS-In Forsyth street, on Tuesday morning, Sept. 2,
Lewis Frederick, twin son of Joseph D. and Cornelis S. Corkins, aged 2 years and 9 months.
DE LA VERGNE-On Wednesday, the 9th, Walter Munson,
son of George W. and Eliza Harriet De la Vergne, aged 1 year
and 3 months.
The relatives and friends of the family are requested to attend
his funeral this (Thursday) afternoon, at 3 o'clock, from his
late residence. No. 12 Troy street, without further invitation.
FAHERTY-In Pike street, Mark Autony Faherty, only son
of Coleman M. and Mary S. Faherty, aged 4 years, 1 month
and 2 days.

and 2 days. GODBY-At No. 129 Tenth avenue, in this city, on Sept. 8, Geo. W. Godby, aged I year 3 mouths and 29 days, after a sheet

GALVIN—At No. 279 First avenue, on Tuesday, Sept. 8, John, youngest son of John and Catharine Galvin, aged 10 years and

months.

GUON-On Tuesday evening, Sept. 8, Elizabeth Wilses, wife of the late Issac Guion, in the Sid year of her age.

The relatives and friends of the family are invited to attend the funeral on Thursday, 10th inst. at 1; o'clock, from her late residence, Redford avenue, between Myrtle and Park avenues, Brooklyn. The remains will be interred in Trially Cemetery.

residence, Bedford avenue, between Myrtle and Park avenues, Brooklyn. The remains will be interred in Trially Cenetery.

HOYT—In Bridgewater, Mich., on Tuesday, Aug. 25, Man. Rachel Hoyt, widow of James T. Hoyt, formerly of Greenfield, N. Y., at the age of 77.

HENDERSON—On the moroing of Sept. 9, Margaret Henderson, daughter of the late Capt. George Kuhn, of Philadelphia aged 31 years, I month and 3 days.

The friends and acquaintances of the family, also those of how son. Edwin L. Henderson and of her brother. William W. Kuhn, are respectfully invited to attend the funeral, from her late residence, No. 39 Norfolk atreet, this (Thursday) afternoon, at 3 o'clock, without further notice. Remains taken to Greenwood.

Philadelphia pepers please copy.

KELLY-In East Thirteenth street, Tuesday morning, at 11 o'clock, from injuries sustained by having his leg fractured on Tuesday, Aug. 19, Thomas Kelly, and 60 years. LUDIOW-At Philadelphia, Sept. 2, the Rev. John Ludiew, D. D. LL. D., Professor of Ecclesissical History in the Theological Seminary of the Reformed Dutch Church, aged

D. D., I.L. D., Professor of Ecclesistical History of Theological Seminary of the Reformed Dutch Church, aged 64 years.
Bis friends and the clergy of the R. D. Church, are requested to attend his funeral, from his late residence in Now-Brunawick, N. J. on Friday, Sept. II, at 3 p. m., without further invitation.

McNAHON—In South Brooklyn, on Tuesday, Sept. 8, of consumption, Mary, wife of Thomas McMahon, iste of the parish of Crathlow, County Clare, Ireland.

sumption, Mary, wife of Thomas McMahon, late of the parish of Crathlow, County Clare, Ireland.

McINTYRE—At Newtown, Long Island, on Tuesday, Sept. of Mrs. E. C. McIntyre, in the Sth year of her age.

NOROAL—On the bth lust, at No. 530 tudson street, after a lingering illness, James Alexander, only son of Dr. James Noroal, axed 4 years and 6 months.

Glasgow (Scotland) papers please copy.

PRICE—At No. 43 Henry street, Sept. 8, Catharine, daughter of Patrick Price, aged 19 years and 5 days.

PURCELL—At No. 192 Madison street, on Tuesday, Sept. 3, of infimmation of the brain, Mary, the dearly beloved child of Dr. Purcell, aged 4 years I mouth and 12 days.

RAYNER—At No. 620 Grand street, on Tuesday, Sept. 3, Mrs. Mary A. Rayner, widow of James K. Rayner, aged 55 years and 5 months.

REILLY—At No. 192 Navy street, Brooklyn, on Taceday, Sept. 3, Sophia Reilly, aged 30 years.

SHELDON in Williamsburgh L. L. on Tuesday morning, Sept. 8, suddenly, of cholers infantum, Josephino, infant daughter of Benjamin and Charlotte A. Sheldon.

SHOLL—In New Brunswick, N. J., on Friday, Sept. 4, of com-

daughter of Benjamin and Charlotte A. Sheldon.

SHOLL—In New-Brunswick, N. J., on Friday, Sept. 4, of compestion of the brain, John Thomas, infant son of Charles and Annie T. Shoil, of Savannah, Ga., sged it months and 22 days.

SKELLY—In New Haven, on Friday, Sept. 4, after a sheet illness. William Skelly, aged 35 years, a native of Lisana, County Longford, Ireland.

SMITH—In Brocklyp, on Monday, Sept. 7, Mary Augusta, daughter of William J. and Elizabeth Smith, aged 5 months

Phebe Jane, wife of John States, as 15 days.

WICKS—In Madison street, on Tuesday, Sept 8, Thomas Bivine, son of Thomas and Ann Wicks, aged 1 year 5 months and 4 days. COMMERCIAL MATTERS.

Sales at the Stock Exchange SEPT. 9. 25 do ... 184 do ... 0
25 do ... 184 do ... 0
40 Obio Life & Trust. Co. 11
100 Canton Company. c. 154
57 Del. & Hud. Ca. Co. 83 108
44 Penn. Coal Co. ... 53 69 109 do ... 33

from the inability of holders to carry them, and the rupply of stock was far in advance of the demand. Reading fell off from 48, at which it closed yesterday, to 41; Central from 73 to 69, &c. After the Board there was a strong rally; Reading recovered to 431, and Central to 71]. The short interest is very largely closed up, which renders it more difficult than usual to pet cash stock upon the market. Erie declined to 191 but recovered to 201, closing at 201 a 201. Cumberland sold down to 10, closing at 10%. The decline in Rock Island was | per cent, Michigan Central |, Toledo I Michigan Southern 1, Pittsburg 1, &c. Illinois Com tral was firm, and Galens improved I per cent at the Second Board. There was considerable doing in Basis Stocks, and some disposition was abown to sell them. seller sixty. Park Bank, which sold down to 637 terday, advanced to 90 at the Second Board. Ph sold at par, American Exchange at 96, Continu 97, Commonwealth at 90, State at 95, Metropo 99, &c.; Ohio Life and Trust sold at 11. In the day at the close, the market was quiet and not fire.
The supply of Exchange offering is considerable, with

The Court then adjourned to Tuesday morning next.

WEDNESDYY, Sept. 9-p. m. This has been one of the bluest days at the Stedie Board. The market fell off largely on some of the principal fancies under forced sales, and the rema of the list sympathized. A large amount of Reading and New-York Central was thrown on the market